

CLEAN WATER ACT2-13. Inspections and Information Gathering

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 308 and 311:
 - a. To enter into, upon or through any premises subject to the CWA, or in which records required to be maintained under the CWA are located; have access to and copy records; take samples, and inspect monitoring equipment and methods.
 - b. To require the owner or operator of any point source to establish and maintain records; make reports; install, use, and maintain monitoring equipment; sample effluents; and provide information.
 - c. To obtain and execute warrants for the purpose of performing an inspection or information gathering.
 - d. To carry out any other inspection and information gathering activities authorized by the CWA.
 - e. To require the carrying out of any other inspection and information gathering activities authorized by the CWA.
 - f. To designate representatives of the Administrator to perform the functions specified in paragraphs 1.a., 1.b., 1.c., 1.d., and 1.e.
2. **TO WHOM DELEGATED.** Chief, Water Enforcement Branch, and chief, RCRA and OPA Enforcement Branch.
3. **LIMITATIONS.**
 - a. Any official exercising this authority must consult with the regional counsel or designee prior to requesting warrants.
 - b. Any official exercising this authority must, prior to exercising that authority, notify the Water Division director or designee and the Superfund and Emergency Management Division director or designee. Any director may also waive receipt of such notification.
 - c. Any official exercising this authority must obtain concurrence from the RC or designee prior to issuing any written request for information. The RC may waive concurrence in writing.
4. **REDELEGATION AUTHORITY.**
 - a. The authorities in 1.a., 1.c., and 1.d. may be redelegated to the staff level.
 - b. The authorities in 1.b., 1.e., and 1.f. may be redelegated to the section chief level, or equivalent, and no further.

CLEAN WATER ACT

2-13. Inspections and Information Gathering

- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
- d. Employees possessing credentials are redelegated authorities 1.a., 1.c., and 1.d. by virtue of the issuance of such credentials.

5. **ADDITIONAL REFERENCES.**

- a. Sections 308 and 311 of the CWA, and regulations developed there under.
- b. U.S. Environmental Protection Agency Order 3510, "EPA Federal Credentials for Inspections and Enforcement of Federal Environmental Statutes and Other Compliance Responsibilities."



Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division



Date